

**Withrow & Terranova**

Professional Limited Liability Company

Attorneys At Law  
Registered Patent Attorneys*A High Technology Patent Practice*

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

## FACSIMILE TRANSMITTAL SHEET

TO:	Office of Petitions	FROM:	Benjamin S. Withrow
COMPANY:	USPTO	DATE:	June 10, 2002
FAX NUMBER:	703-308-6916	TOTAL NO. OF PAGES INCLUDING COVER:	12
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	4989-009
RE:	Request for Reconsideration	YOUR REFERENCE NUMBER:	09/853,827

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW

## NOTES/COMMENTS:

Please find attached the following items:

- 1) Request for Reconsideration of Petition Under 37 CFR 1.47(a)
- 2) Exhibit A: Copies of letters sent to inventors, along with return receipt
- 3) Exhibit B: Declaration concerning refusal of inventors to sign paperwork

NOTE: The information contained in this transmission is privileged and confidential and intended ONLY for the individual or entity named above. If you should receive this transmission in error, please notify our office and return to the below address via the U.S. Postal Service.

201 SHANNON OAKS CIRCLE, SUITE 200  
CARY, NC 27511  
PH: (919) 654-4520  
FAX: (919) 654-4521

#7

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Lang et al.*

Serial No. 09/853,827

Filed: 05/11/2001

For: **AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES**Commissioner for Patents  
Washington, D.C. 20231

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PETITIONS OFFICE

Sir:

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)**

In response to a decision refusing status mailed April 17, 2002, please find enclosed the below-described items correcting deficiencies in the original petition. As noted in the decision, the requisite petition fee has been paid. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

The decision refusing status states that requirement (1) was not satisfied by the original petition. Requirement (1) is proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings). Attached as Exhibit A are letters mailed to the non-signing inventors via registered mail on April 25, 2002, along with photocopies of the return receipt from the United States Postal Service. As mentioned in the letters, the inventors were given approximately a month and a half to sign and return the Declaration and Assignment papers. They were informed that if they did not return such papers by June 1, 2002 we would assume they are unwilling to sign. In various telephone conversations with the non-signing inventors, they have indicated and reiterated their reluctance to sign the necessary paperwork.

Attached as Exhibit B is a declaration attesting to the fact that the non-signing inventors have not returned the signed paperwork as of today, June 10, 2002. The Office of Petitions is invited to contact the undersigned to resolve any further issues. Reconsideration is respectfully requested.

Serial No. 09/853,827

Respectfully submitted,

WITHROW &amp; TERRANOVA, P.L.L.C.

By:



Benjamin S. Withrow  
Registration No. 40,876  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: June 10, 2002

Attorney Docket: 4989-009

CERTIFICATE OF TRANSMITTAL

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING  
TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED  
BELOW TO:

Office of Petitions Fax: 703-308-6916

Jennifer Rush  
Name of SenderJennifer Rush  
SignatureJune 10, 2002  
Date of Transmission

# EXHIBIT A

# Withrow & Terranova

Professional Limited Liability Company

Attorneys At Law  
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201 Sharon Oaks Circle  
Suite 200  
Cary, North Carolina 27511

Tel (919) 654-4520  
Fax (919) 654-4521  
[www.withrowterranova.com](http://www.withrowterranova.com)

Benjamin S. Withrow

Email: [bwithrow@withrowterranova.com](mailto:bwithrow@withrowterranova.com)

April 25, 2002

Mr. Alex Lang  
3032 Stone Gap Court  
Raleigh, NC 27612

FAX RECEIVED

JUN 10 2002

RETURN RECEIPT REQUESTED

PETITIONS OFFICE

Re: KeyNetica Application and Paperwork  
**AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES**  
Our File: 4989-009

Dear Alex:

Please find enclosed:

- 1) A copy of the application (specification, claims, and abstract) and drawings for the above-mentioned application
- 2) Declaration prepared for your signature
- 3) Assignment prepared for your signature

Please review the enclosed application, sign and date the enclosed paperwork, and return it to us using the contact information listed above. If we do not receive the paperwork by **June 1, 2002**, we will assume that you are unwilling to sign. Thank you for your assistance in this matter.

Very truly yours,



Benjamin S. Withrow

BSW/jjr  
Enclosures

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>Alex Lang</i> C. Date of Delivery <i>6/12/02</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to: <i>Mr. Alex Lang 3032 Stone Gap Court Raleigh, NC 27612</i>			
2. Article Number (Transfer from service label)		<i>7099 3408 0012 0793 9186</i>	
PS Form 3811, August 2001		Domestic Return Receipt 102595-01-M-2509	

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'JUN 10 2002

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Cary, North Carolina 27511

Tel (919) 654-4520  
Fax (919) 654-4521  
www.withrowterranova.com

Benjamin S. Withrow

Email: bwithrow@withrowterranova.com

April 25, 2002

Mr. Brian J. Adkins  
2025 Arbor View Drive  
Morrisville, NC 27560

**FAX RECEIVED**

**JUN 10 2002**

**RETURN RECEIPT REQUESTED**

**PETITIONS OFFICE**

Re: KeyNetica Application and Paperwork  
**AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES**  
Our File: 4989-009

Dear Brian:

Please find enclosed:

- 1) A copy of the application (specification, claims, and abstract) and drawings for the above-mentioned application
- 2) Declaration prepared for your signature
- 3) Assignment prepared for your signature

Please review the enclosed application, sign and date the enclosed paperwork, and return it to us using the contact information listed above. If we do not receive the paperwork by **June 1, 2002**, we will assume that you are unwilling to sign. Thank you for your assistance in this matter.

Very truly yours,



Benjamin S. Withrow

BSW/jjr  
Enclosures

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mr. Brian S. Adkins  
2025 Arbor View Drive  
Morrisville, NC 27560

## 2. Article Number

(Transfer from service label)

7099 3400 0012 0793 9162

PS Form 3811, August 2001

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *Brian S. Adkins*☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-01-14-2509

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# Withrow & Terranova

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Attorneys At Law  
Registered Patent Attorneys

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Cary, North Carolina 27511

Benjamin S. Withrow

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Tel (919) 654-4520  
Fax (919) 654-4521  
[www.withrowterranova.com](http://www.withrowterranova.com)

April 25, 2002

Mr. David Sharp  
12 Cobb Terrace  
Chapel Hill, NC 27514

RETURN RECEIPT REQUESTED

Re: KeyNetica Application and Paperwork  
**AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES**  
Our File: 4989-009

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

Dear David:

Please find enclosed:

- 1) A copy of the application (specification, claims, and abstract) and drawings for the above-mentioned application
- 2) Declaration prepared for your signature
- 3) Assignment prepared for your signature

Please review the enclosed application, sign and date the enclosed paperwork, and return it to us using the contact information listed above. If we do not receive the paperwork by **June 1, 2002**, we will assume that you are unwilling to sign. Thank you for your assistance in this matter.

Very truly yours,



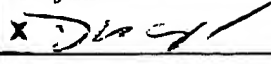
Benjamin S. Withrow

BSW/ijr  
Enclosures

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<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<b>A. Signature</b>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		<b>B. Received by (Printed Name)</b> DAVID SHARP	<b>C. Date of Delivery</b> 6-27-02
<b>1. Article Addressed to:</b> Mr. David Sharp 12 Cobb Terrace Chapel Hill, NC 27514		<b>D. Is delivery address different from item 17</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		<b>3. Service Type</b> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes	
<b>2. Article Number</b> (Transfer from service label)		7099 3400 0012 0793 9179	

PS Form 3811, August 2001

Domestic Return Receipt

102695-01-M-2500

## EXHIBIT B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lang *et al.*

Serial No. 09/853,827

Filed: 05/11/2001

For: AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES

Examiner: TBA

Art Unit: TBA

Commissioner for Patents  
Washington, D.C. 20231

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

Sir:

**DECLARATION UNDER MPEP § 409.03(d) CONCERNING  
REFUSAL OF INVENTORS TO SIGN PAPERWORK**

I, Jennifer Rush, being first duly sworn, do hereby depose and say:

On April 25, 2002, I mailed copies of the above-referenced application (specification, claims, abstract, and drawings) and paperwork (Declaration and Assignment) to Alex Lang, David Sharp, and Brian Adkins, the non-signing inventors for the application. In the letter, the inventors were given a deadline of June 1, 2002 to return the requisite signed paperwork.

Further, as of June 10, 2002, I have received no signed paperwork from any of the above-named inventors.

Further, Declarant saith not.

Date: June 10, 2002

Attorney Docket: 4989-009

  
Jennifer Rush

Paralegal, Withrow &amp; Terranova, P.L.L.C.